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In re Application of :  
David A. Sirbasku :  
Application No. 09/852,958 : DECISION GRANTING PETITION  
Filed: May 10, 2001 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 1944-00201 :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.137(b), filed June 15, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed October 3, 2003, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 4, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election to the restriction requirement and amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Office action of October 3, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

The application file is being forwarded to Technology Center AU 1642 for appropriate action to the reply received June 15, 2004.

  
Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy